

## VIRGINIA:

## BEFORE THE VIRGINIA GAS AND OIL BOARD

## SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VG0B-99/0316-0713

ELECTIONS, UNIT: VC-3409

(hereinafter "Subject Drilling Unit")

## REPORT OF BOARD

## FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on April 5, 1999, and recorded at Instrument No. 990001538, in the Office of the Clerk of Circuit Court, Wise County, Virginia on April 7, 1999 (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
  - (a) The Board Order directed Equitable Resources Energy Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
  - (b) The designated operator filed its affidavit of mailing dated April 16, 1999, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
  - (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated May 17, 1999, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit

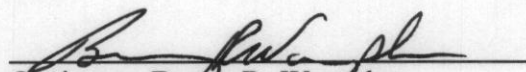
of Election”), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board’s Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;

- (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein “Statement of Interests”); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B.
  - (e) Current Board standards requiring the escrow of funds and the Board’s agreement with its Escrow Agent, First Virginia Bank- Mountain Empire, P.O. Box 1038, Abingdon, Virginia 24212, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, First Virginia Bank-Mountain Empire, Trust Department, P.O. Box 1038, Abingdon, Virginia 24212, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
  4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that true and correct copy of this Order to each person whose interest or claim is subject to escrow and whose address is known.
  5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
  6. Effective Date: This Order shall be effective on the date of its execution.

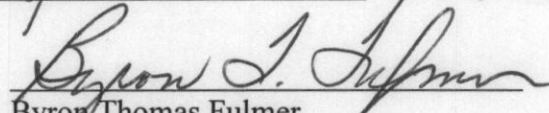


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DONE AND EXECUTED this 14<sup>th</sup> day of June, 1999 by a majority of  
the Virginia Gas and Oil Board.

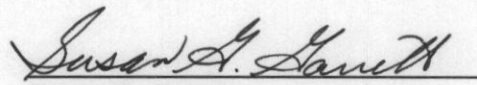
  
Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 21<sup>st</sup> day of June, 1999, by Order  
of this Board.

  
Byron Thomas Fulmer  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA     )  
COUNTY OF WISE        )

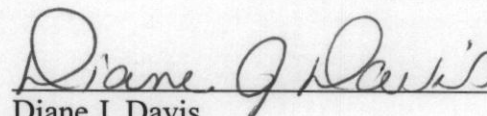
Acknowledged on this 14<sup>th</sup> day of June, 1999, personally before me a notary  
public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn  
did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the  
same and was authorized to do so.

  
Susan G. Garrett  
Notary Public

My commission expires 7/31/2002

STATE OF VIRGINIA     )  
COUNTY OF WISE        )

Acknowledged on this 21<sup>st</sup> day of June, 1999, personally before me a notary  
public in and for the Commonwealth of Virginia, appeared Byron Thomas Fulmer, being duly  
sworn did depose and say that he is Principal Executive to the Staff Virginia Gas and Oil Board,  
that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public

My commission expires: 9/30/2001

**VIRGINIA:*****BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number VC-3409, VGOB Docket No. VGOB-99/0316-0713 in the Gladeville Magisterial District of Wise County, Virginia.

**AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER**

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on April 5, 1999, by the Virginia Gas and Oil Board regarding the captioned coalbed methane Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on April 7, 1999.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

<u>Tract No.</u>	<u>Name</u>	<u>Cash Consideration</u>
4 Gas & Coal Estate	Phyllis Goodin & Evins Goodin	0.0795 Acres x \$5=\$0.40

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who,



subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia; that opposite the name of each person named as a Respondent listed below is set forth:

NONE

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims which are not subject to escrow:

NONE

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

TRACT	LESSOR	ACRES	CASH CONSIDERATION (Total Acres x \$5.00)
4 Gas & Coal Estate	Donna Wiles Taylor & William Taylor, H/W	0.0993	\$0.50
	Monty I Wiles & Brenda Wiles, H/W	0.0993	\$0.50
	Roy Elmo Wiles & Betty Wiles, H/W	0.0994	\$0.50
	Clayton R. Wiles & Loretta Wiles, H/W	0.0994	\$0.50
	Paula S. Owens Gibson & Billy Gibson, W/H	0.0994	\$0.50
	Lana W. Low & Emmett Low, W/H	0.0994	\$0.50
	Pamela W. Bowman & Joseph Bowman, W/H	0.0994	\$0.50

Carmella D. Wiles, Single

0.0994

\$0.50

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are not required in this matter pursuant to the terms of §§ 45.1-361.21.D.

Dated at Kingsport, Tennessee, this 17th day of May 1999.

James E. Kaiser  
Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Production Company, a corporation, on behalf of the corporation, this 7th day of June 1999.

My commission expires: July 31, 2001

Jamie E. Fuller  
Notary



**EXHIBIT "B"**  
**VC-3409**  
**VG0B 99-0316-0713**

000061 JUN 21 8

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>	
<u>Gas Estate Only</u>						
1	Greater Wise, Inc. Attn: Hank Ross P. O. Box 668 Norton, VA 24273	Leased-EPC 223095L TK-103	68.440000%	54.75000	0.08555000	RI
	Equitable Production Company				0.59885000	WI
<b>Tract 1 Totals</b>			68.440000%	54.75000	0.68440000	
2	Penn Virginia Company c/o Penn Virginia Oil & Gas Corp. Attn: Jim Harsha 999 Executive Park Blvd., Suite 300 Kingsport, TN 37660	Leased-EPC 223096L TK-680	0.440000%	0.35000	0.00055000	RI
	Equitable Production Company				0.00385000	WI
<b>Tract 2 Totals</b>			0.440000%	0.35000	0.00440000	
3	Penn Virginia Company c/o Penn Virginia Oil & Gas Corp. Attn: Jim Harsha 999 Executive Park Blvd., Suite 300 Kingsport, TN 37660	Leased-EPC 223096L TK-679	20.150000%	16.1200	0.02518750	RI
	Equitable Production Company				0.17631250	WI
<b>Tract 3 Totals</b>			20.150000%	16.1200	0.20150000	
4	Donna Wiles Taylor & William Taylor, W/H P O Box 1135 Norton VA 24273	Unleased	0.123750%	0.0993	0.00015468	RI
	Monty I Wiles & Brenda Wiles, H/W P O Box 50 Coleman Falls VA 24536	Unleased	0.123750%	0.0993	0.00015468	RI

**EXHIBIT "B"**  
**VC-3409**  
**VGOB 99-0316-0713**

000062 JUN 21 8

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
	Roy Elmo Wiles & Betty Wiles, H/W 1118 Park Ave Norton VA 24273	Unleased	0.123750%	0.0994	0.00015469 RI
	Clayton R Wiles & Loretta Wiles, H/W 6371 D Laurel Grove Rd Norton VA 24273	Unleased	0.123750%	0.0994	0.00015469 RI
	Paula S Owens Gibson & Billy Gibson, W/H 6371 B Laurel Grove Rd Norton Va 24273	Unleased	0.123750%	0.0994	0.00015469 RI
	Lana W. Low & Emmett Low, W/H 9201 E Mississippi Ave Apt C-105 Denver CO 80231-6819	Unleased	0.123750%	0.0994	0.00015469 RI
	Pamela W Bowman & Joseph Bowman, W/H P O Box 456 Wise VA 24293	Unleased	0.123750%	0.0994	0.00015469 RI
	Carmella D Wiles, Single P O Box 3222 Iowa City IA 52244	Unleased	0.123750%	0.0994	0.00015469 RI
	Margaret Robinette, Widow P O Box 36 Big Rock VA 24603	Leased-EPC 244892L09 Life Estate	[0.000000%]	[0.0000]	[0.000000] RI
	Jennifer R Collins & George E Collins, W/H 1305 Fourth St Radford VA 24141	Leased-EPC 244892L10 Remainderman	0.099000%	0.0795	0.00012375 RI
	Cheryl Lynn Robinette, Single P O Box 36 Big Rock VA 24603	Leased-EPC 244892L11 Remainderman	0.099000%	0.0795	0.00012375 RI
	Ronnie Robinette, Single P O Box 36 Big Rock VA 24603	Leased-EPC 244892L12 Remainderman	0.099000%	0.0795	0.00012375 RI



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**VGOB 99-0316-0713**

000063 11/21/08  
GROSS NET

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>ACREAGE IN UNIT</u>	<u>REVENUE INTEREST</u>
	Patricia Ramey & Larry V Ramey, W/H P O Box 468 Vansant VA 24656	Leased-EPC 244892L13 Remainderman	0.099000%	0.0795	0.00012375 RI
	Jeffrey B Robinette & Anna T. F. Robinette, H/W 94 770 Lumiauu St No 5 Waipahu HI 96797	Leased-EPC 244892L14 Remainderman	0.099000%	0.0795	0.00012375 RI
	Michael W. Robinette & Nina M. Robinette, H/W 225 Cypress St Laurel Bay SC 29902	Leased-EPC 244892L15 Remainderman	0.099000%	0.0795	0.00012375 RI
	Warren S. Robinette, Jr. & Diane Fuller Robinette, H/W 1733 W Braddock Pl Alexandria VA 22302-2634	Leased-EPC 244892L16 Remainderman	0.099000%	0.0795	0.00012375 RI
	Phyllis Goodwin & Evins Goodwin, W/H P O Box 1239 Gloucester VA 23061	Unleased Remainderman	0.099000%	0.0795	0.00012375 RI
	Betty L. Zieman & Michael Zieman, W/H 2562 Ridgecrest Avenue Orange Park FL 32065-6241	Leased-EPC 244892L18 Remainderman	0.099000%	0.0795	0.00012375 RI
	Shirley Manley, Single P O Box 7734 Roanoke VA 24019	Leased-EPC 244892L19 Remainderman	0.099000%	0.0795	0.00012375 RI
	Equitable Production Company				0.01732500 WI
<b>Tract 4 Totals</b>			1.980000%	1.5900	0.01980000

**EXHIBIT "B"**  
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**VGOB 99-0316-0713**

000064 JUN 21 8

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
5	Humphreys Enterprises Inc P O Box 668 Norton VA 24273	Leased-EPC 223143L	8.990000%	7.1900	0.01123750 RI
	Equitable Production Company				0.07866250 WI
<b>Tract 5 Totals</b>			8.990000%	7.1900	0.08990000
<b>TOTAL GAS ESTATE</b>			100.000000%	80.0000	1.00000000



**EXHIBIT "B"**  
**VC-3409**  
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000065 JUN 21 8

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>	
<u>COAL ESTATE ONLY</u>						
1	Greater Wise, Inc. Attn: Hank Ross P. O. Box 668 Norton, VA 24273	Leased-EPC 223095L TK-103	68.440000%	54.7500	0.08555000	RI
	Equitable Production Company				0.59885000	WI
<b>Tract 1 Totals</b>			68.440000%	54.7500	0.68440000	
2	Penn Virginia Company c/o Penn Virginia Coal Company Attn: Keith Horton P O Box 386 Duffield VA 24244	Leased-EPC 223096L TK-680	0.440000%	0.3500	0.00055000	RI
	Equitable Production Company				0.00385000	WI
<b>Tract 2 Totals</b>			0.440000%	0.3500	0.00440000	
3	Penn Virginia Company c/o Penn Virginia Coal Company Attn: Keith Horton P O Box 386 Duffield VA 24244	Leased-EPC 223096L TK-679	20.150000%	16.1200	0.02518750	RI
	Equitable Production Company				0.17631250	WI
<b>Tract 3 Totals</b>			20.150000%	16.1200	0.20150000	
4	Donna Wiles Taylor & William Taylor, W/H P O Box 1135 Norton VA 24273	Unleased	0.123750%	0.0993	0.00015468	RI
	Monty I Wiles & Brenda Wiles, H/W P O Box 50 Coleman Falls VA 24536	Unleased	0.123750%	0.0993	0.00015468	RI

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	Roy Elmo Wiles & Betty Wiles, H/W 1118 Park Ave Norton VA 24273	Unleased	0.123750%	0.0994	0.00015469	RI
	Clayton R Wiles & Loretta Wiles, H/W 6371 D Laurel Grove Rd Norton VA 24273	Unleased	0.123750%	0.0994	0.00015469	RI
	Paula S Owens Gibson & Billy Gibson, W/H 6371 B Laurel Grove Rd Norton Va 24273	Unleased	0.123750%	0.0994	0.00015469	RI
	Lana W. Low & Emmett Low, W/H 9201 E Mississippi Ave Apt C-105 Denver CO 80231-6819	Unleased	0.123750%	0.0994	0.00015469	RI
	Pamela W Bowman & Joseph Bowman, W/H P O Box 456 Wise VA 24293	Unleased	0.123750%	0.0994	0.00015469	RI
	Carmella D Wiles, Single P O Box 3222 Iowa City IA 52244	Unleased	0.123750%	0.0994	0.00015469	RI
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	Jennifer R Collins & George E Collins, W/H 1305 Fourth St Radford VA 24141	Leased-EPC 244892L10 Remainderman	0.099000%	0.0795	0.00012375	RI
	Cheryl Lynn Robinette, Single P O Box 36 Big Rock VA 24603	Leased-EPC 244892L11 Remainderman	0.099000%	0.0795	0.00012375	RI
	Ronnie Robinette, Single P O Box 36 Big Rock VA 24603	Leased-EPC 244892L12 Remainderman	0.099000%	0.0795	0.00012375	RI



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000067 JUN 21 8

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
	Patricia Ramey & Larry V Ramey, W/H P O Box 468 Vansant VA 24656	Leased-EPC 244892L13 Remainderman	0.099000%	0.0795	0.00012375 RI
	Jeffrey B Robinette & Anna T. F. Robinette, H/W 94 770 Lumiauau St No 5 Waipahu HI 96797	Leased-EPC 244892L14 Remainderman	0.099000%	0.0795	0.00012375 RI
	Michael W. Robinette & Nina M. Robinette, H/W 225 Cypress St Laurel Bay SC 29902	Leased-EPC 244892L15 Remainderman	0.099000%	0.0795	0.00012375 RI
	Warren S. Robinette, Jr. & Diane Fuller Robinette, H/W 1733 W Braddock Pl Alexandria VA 22302-2634	Leased-EPC 244892L16 Remainderman	0.099000%	0.0795	0.00012375 RI
	Phyllis Goodwin & Evins Goodwin, W/H P O Box 1239 Gloucester VA 23061	Unleased Remainderman	0.099000%	0.0795	0.00012375 RI
	Betty L. Ziemann & Michael Ziemann, W/H 2562 Ridgecrest Avenue Orange Park FL 32065-6241	Leased-EPC 244892L18 Remainderman	0.099000%	0.0795	0.00012375 RI
	Shirley Manley, Single P O Box 7734 Roanoke VA 24019	Leased-EPC 244892L19 Remainderman	0.099000%	0.0795	0.00012375 RI
	Equitable Production Company				0.01732500 WI
<b>Tract 4 Totals</b>			1.980000%	1.5900	0.01980000

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000068 JUN 21 8

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
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	Equitable Production Company				0.07866250 WI
<b>Tract 5 Totals</b>			8.990000%	7.1900	0.08990000
<b>TOTAL COAL ESTATE</b>			100.000000%	80.0000	1.00000000



COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
WISE COUNTY CIRCUIT  
DEED RECEIPT

DATE: 06/21/99 TIME: 12:41:33 ACCOUNT: 195CLR990002831 RECEIPT: 99000006552  
CASHIER: RMD REG: WS06 TYPE: AG PAYMENT: FULL PAYMENT  
INSTRUMENT : 990002831 BOOK: PAGE: RECORDED: 06/21/99 AT 12:40  
GRANTOR: EQUITABLE RESOURCES ENERGY COMPANY EX: N LOC: CO  
GRANTEE: TAYLOR, DONNA WILES EX: N PCT: 100%

AND ADDRESS :

RECEIVED OF :

CHECK : \$23.00

DESCRIPTION 1: FORCED POOLING OF INTERESTS IN V608-99-0316  
2: 0713 BLADE

CONSIDERATION: .00 ASSUME/VAL: .00 MAP:

CODE DESCRIPTION	PAID	CODE DESCRIPTION	PAID
301 DEEDS	19.00	145 VSLF	1.00
106 TECHNOLOGY FUND FEE	3.00		

TENDERED : 23.00  
AMOUNT PAID: 23.00  
CHANGE AMT : .00

CLERK OF COURT: J. JACK KENNEDY, JR.